

Notice of Allowability	Application No.	Applicant(s)	
	09/550,964	WURMAN ET AL.	
	Examiner	Art Unit	
	JAGDISH PATEL	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/28/2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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DETAILED ACTION

This action is in response to a Decision on Appeal by BPAI on 1/12/06.

In that decision the board remanded this application for reconsideration in view of the recent Ex parte Lundgren decision, 76 USPQ2d 1385 (Bd. Pat. App. & Int. 2005).

Accordingly, the pending claims 1-20 are deemed allowable over the prior of record. See further details provided below.

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to conducting a progressive price-driven combinatorial auction of items. Note that the inventive feature of the claimed invention is K-bundle price algorithm which calculates an interim winning price for each bundles being auctioned. This feature is discussed in the specification at least on pages 22 and 23.

The following prior art references have been deemed most relevant to the allowed claim(s):

2. **DeMartini et al (A New and Improved Design for Multi-Object Iterative Auction)** teaches a design for multi-object iterative auctions. DeMartini combines features of two different auction processes, the Milgrom FCC design and

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the Adaptive User Selection Mechanism (AUSM) of Banks et al.. to develop a new auction design, the Resource Allocation Design (RAD) auction process to achieve higher efficiencies, lower bidder losses and faster to completion.

3. **Sandhom (US Pat. 6,272,473)** teaches a method and apparatus for optimally selecting sets of items having associated valuations in a combinatorial auction. The method stores bids in a binary tree which is searched in conjunction with a stop mask data structure which allows parts of the binary tree to be instantly pruned during search to make the search faster to arrive at the optimal allocation.

4. DeMartini and Sandhom as discussed above as the Closest Prior art of record taken individually or in any combination fail to teach or suggest a method and or a system for conducting a progressive price-driven combinatorial auction of items which include the unique feature of calculating an interim winning price for each bundle in the interim allocation based on a k-bundle price algorithm which ensures that the bidders can determine whether they are winning the auction from the interim winning prices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled

"Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EP 0828223 A2 (Masakatsu et al.) teaches an auction method using a communication network. Auction ordering information containing desired price, number of items and a highest possible price for the desired price are collected from the bidder terminals. The auctioning method includes setting the bid price and item quantity when the desired items appear in the auction.

US 2002/0046037 (Ausubel et al) teaches a system and a method for auctioning complementary good such as a good whose value or utility is enhanced when paired with another good, such a pair of goods is a communications license to encumbered spectrum and a complementary clearing right to clear the spectrum of its encumbrance.

US 6,101,484 (Halbert et al.) discloses a dynamic market equilibrium management system for the sale of goods and services through an online buying group formed for the specific purpose of purchasing a particular product at by defining a start time, end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748.

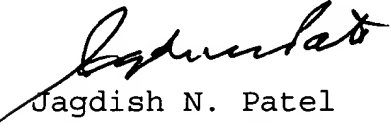
The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can

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be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/22/05